



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/587,153 | 07/25/2006 | Josef Artelsmair | ARTELSMAIR ET AL 8 PCT | 4970 |
| 25889 7590 05/20/2010 COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576 | | | | |
| EXAMINER | | | | |
| DANG, KET D | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3742 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 05/20/2010 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,153

Applicant(s)

ARTELSMAIR ET AL.

Examiner

KET D. DANG

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to the Amendment After Final filed on February 1, 2010. As directed by the amendment: claims 2-5 have been amended, claim 1 has been cancelled and claim 6 has been added. Thus, claims 2-6 are presently pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "the hose pack" limitation in the claim.

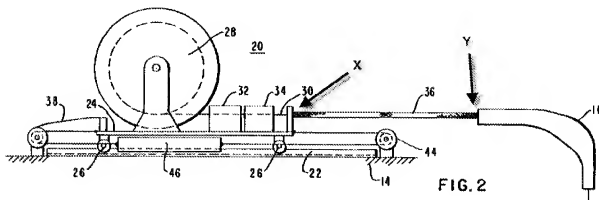
Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosna (US 4,539,465) in view of Rigdon et al. (US 6066833).

Regarding claims 3-6, Bosna a welding wire storage device (Abstract) for a welding system 20 (Fig. 1), comprising a wire core 30 (Fig. 2) surrounding a welding wire arcuately arranged to lie freely in the free space of the housing, said wire core 30 (Fig. 2) having a first end fixed in the first end region of the housing Y (Fig. 2 below).



and a measuring device 34 (Fig. 2) for detecting deflection of the wire core 30 (Fig. 2), a guide element 24 (Fig. 3) on the second end region displaceably mounting the wire core; and; a wire guide hose for the wire core (col. 1, lines 22-28; first and second coupling mechanisms X/Y (fig. 2 above) arranged on the housing for connection with the wire guide hose; wherein elements 34 (Fig. 2) for delimiting the maximum deflection of the wire core 30 (Fig. 2) are arranged in the housing; wherein an element 32 (Fig. 2) for fastening the hose pack 36 (Fig. 2) is arranged on the opposite side of the free space of the housing X (Figure 2 above); wherein the housing (Col. 2, lines 62-65) is arranged between wire feeder 28 (Fig. 2) and a welding torch 16 (Fig. 2); wherein the hose pack 36 (Fig. 2) is arranged directly, without interruption, between wire feeder 28 (Fig. 2) and the welding torch 16 (Fig. 2); and wherein the wire core 30 (Fig. 2) is interrupted in the housing.

Bosna discloses all of the limitations of the claimed invention as set forth above, except for a housing having a free space.

However, a housing having a free space is known in the art. Rigdon et al., for example, teaches a housing having a free space 509a (fig. 27) (col. 5, lines 29-40). It is known in the art that such a configuration provides a sufficient space for dereeler of welding wire and to suspend for a short period of time to change/fix a welding wire if problem occurs. It would have been obvious to one of ordinary skill in the art to modify Bosna with a housing having a free space of Rigdon in order to provide a sufficient space for dereeler of welding wire and to suspend for a short period of time to change/fix a welding wire if problem occurs.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bosna (US 4,539,465) in view of Rigdon et al. (US 6066833) as applied to claims 3-6 above, and further in view of Benfield (US 3594534).

Regarding claim 2, Bosna in view of Rigdon disclose all of the limitations of the claimed invention as set forth above, except for wherein the coupling mechanisms are each designed as a quick-lock.

However, wherein the coupling mechanisms are each designed as a quick-lock is known in the art. Benfield, for example, teaches wherein the coupling mechanisms are each designed as a quick-lock 51 (fig. 2) (col. 2, lines 43-65). Benfield also teaches a free space or wire buffer or hollow space in the barrel tip (col. 2, lines 65-69). Benfield further teaches such a configuration provides a means to secure to join piece parts and reliable attaching to welding unit and quickly removed when not in use (col. 40-50). It

would have been obvious to one of ordinary skill in the art to modify Bosna in view of Rigdon with lock means of Benfield in order to provide a means to secure to join piece parts and reliable attaching to welding unit and quickly removed when not in use.

Response to Amendment/Arguments

7. Applicant's arguments, see Arguments/Remarks, filed February 1, 2010, with respect to the rejection(s) of claim 2 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Benfield (US 3594534).

Examiner inadvertently made an error in the Advisory Action that a non-final office action will be sent out. The previous final Office action is being withdrawn. Therefore, a new final office is being sent out instead based on amended claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KET D. DANG whose telephone number is (571) 270-7827. The examiner can normally be reached on Monday - Friday, 7:30 - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Tu can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KET D DANG/
Examiner, Art Unit 3742
May 19, 2010

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742